

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD JAMES WELK,

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 2: 22-cv-0351 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for judicial intervention. (ECF No. 40.) For the reasons stated herein, plaintiff's motion for judicial intervention is denied.

On December 22, 2022, the undersigned ordered service of defendants. On March 21, 2023, process directed to defendants Scott and Page was returned unserved because they could not be identified.

On April 3, 2023, the undersigned granted plaintiff sixty days to provide additional information for service of defendants Scott and Page. The undersigned ordered plaintiff to promptly seek such information through discovery, the California Public Records Act, California Government Code § 6250, et seq., or other means available to plaintiff. The undersigned ordered that if access to the required information was denied or unreasonably delayed, plaintiff may seek judicial intervention.


1 On May 26, 2023, plaintiff filed the pending motion for judicial intervention. In this
2 motion, plaintiff states that he sought additional information for service of defendants Scott and
3 Page “through every avenue available to him, without any successful result.” Plaintiff requests
4 that the court assist him in obtaining information necessary for service of defendants Scott and
5 Page.

6 In the motion for judicial intervention, plaintiff does not describe the specific steps he
7 took to obtain the information required for service of defendants Scott and Page. Without this
8 information, the undersigned cannot determine whether plaintiff complied with the April 3, 2023
9 order.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff’s motion for judicial intervention (ECF No. 40) is denied without prejudice;
- 12 2. Plaintiff is granted thirty days from the date of this order to file a renewed motion for
13 judicial intervention in which he specifically describes the steps he took to obtain the
14 information required for service of defendants Scott and Page;
- 15 3. Failure to comply with this order will result in a recommendation of dismissal of
16 defendants Scott and Page.

17 Dated: June 9, 2023

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE
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